

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LANDON AMINI,

Plaintiff,

v.

CSAA GENERAL INSURANCE
COMPANY,

Defendant.

Case No. 2:15-cv-00402-JAD-PAL

ORDER

(Rqst for Clarification – Dkt. #43)

Before the court is Plaintiff's Request for Clarification Regarding the Court's Notice of Hearing on Motion for Protective Order (Dkt. #37) (Dkt. #43), filed November 24, 2015. The court has considered the motion and Defendant's Response (Dkt. #45).

This is one of a series of motions filed since November 20, 2015. Plaintiff filed a Motion for Protective Order (Dkt. #37) on November 20, 2015, which the court set for hearing on December 22, 2015, along with an Emergency Motion (Dkt. #38) filed by the Defendant to extend the discovery plan and scheduling order deadlines. Plaintiff seeks "clarification" because the hearing is set after eight of the depositions challenged in the motion for protective order are scheduled to be taken. Six of the depositions are treating physicians' depositions, and the other two are depositions of Plaintiff and Plaintiff's spouse. Plaintiff asks for clarification because "[l]ogic would indicate the Court would not bother to hold a hearing on December 22, 2015 . . . unless the Court intended that the depositions be stayed until the court has a chance to rule"

Defendant filed a response indicating that a number of the treating physicians' noticed for deposition have been subpoenaed and are prepared to testify. They are Plaintiff's own treating physicians and Plaintiff did not file the motion for protective order as an emergency motion. A number of other arguments are made that the court will not address until the hearing.

1 Logic would dictate that if a motion sought emergency or expedited relief, it would ask
2 for emergency or expedited relief. Plaintiff did not. Plaintiff did not comply with LR 7-5. The
3 motion for protective order does not claim that counsel for Plaintiff cannot attend the depositions
4 as currently scheduled. Treating physician depositions are difficult to schedule. The discovery
5 cutoff is January 8, 2016. The court set Plaintiff's motion for protective order for hearing after
6 the Defendant's response was due along with Defendant's Emergency Motion to Extend
7 Deadlines (Dkt. #30) filed the same day. A temporary protective order preventing the
8 depositions from going forward as scheduled was not ordered. Accordingly,

9 **IT IS ORDERED** that Plaintiff's Request for Clarification (Dkt. #43) is **GRANTED**.
10 The hearing on Plaintiff's Motion for Protective Order (Dkt. #37) remains scheduled for
11 December 22, 2015. A temporary stay of the scheduled depositions was not ordered.

12 DATED this 3rd day of December, 2015.

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15 PEGGY A. LEEN
16 UNITED STATES MAGISTRATE JUDGE
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